

NEBRASKA STATE BOARD OF HEALTH MEETING
MINUTES – June 14, 2021

ATTENDANCE NOTIFICATION. A regular meeting of the State Board of Health was called to order by the Chair, Dr. Doug Vander Broek, at 1:00 PM on June 14, 2021 in Conference Room Lower Level B of the Nebraska State Office Building in Lincoln, and by teleconference. Copies of the agenda were mailed electronically to board members and other interested parties prior to the meeting, and posted on the Health and Human Services website. The following members were present via telephone or in person: Joel Bessmer, MD; Russell Crotty, OD; Shane Fleming, MSN, RN; Diane Jackson, APRN (by telephone); Michael Kotopka, DDS; John Kuehn, DVM; Donald Ostdiek, DPT; Mark Patefield, PharmD; David Reese; Daniel Rosenthal, PE; Robert (Bud) Synhorst; Timothy Tesmer, MD; Doug Vander Broek, DC; Dan Vehle. Quorum met.
Staff and others attending: Matt Gelvin, Marla Scheer.
Board members not in attendance: Colton Palmer, PMHNP; Joshua Vest, DPM.

APPROVAL OF AGENDA. Dr. Vander Broek asked if there were any changes to the agenda for the meeting today and the minutes from March 15, 2021. The Rules and Regulations Committee report was moved to the first committee report. Dr. Vander Broek clarified the meeting schedule for the Medical Nutrition Therapy meetings. Dr. Kuehn made a motion to approve the agenda, seconded by Mr. Reese; voting yes: 14 (Bessmer, Crotty, Fleming, Jackson, Kotopka, Kuehn, Ostdiek, Patefield, Reese, Rosenthal, Synhorst, Tesmer, Vander Broek, Vehle); voting no: 0; not voting: 0. Motion carried.

UPDATES, REPORTS

Division of Public Health and the Licensure Unit – Becky Wisell, recently promoted to Deputy Director of Licensure and Environmental Health, gave an update for both sections. We have a new Director of Operations for the Division of Public Health, Charity Menefee, and she is coming from Tennessee. She also serves as a Major in the TN National Guard.

We have been working with the professional license renewals. Many had expiration dates deferred during Covid. When the Directed Health Measure ends, they will send out renewal notices.

Many staff will be moving office locations in July, and some minor reorganization will occur. LB83 impacts the Open Meetings Law, so changes will be implemented in July for virtual meetings,

LB390 forms another pathway for reciprocity within the Uniform Credentialing Act.

LB148 restructured the environmental programs, like Water. Employees will transfer to a new agency with the programs.

LANCE – Licensure and Certification Licensure Environment – development continues.

Target live date is in the fall to replace the Licensing Information System. It will be cloud based and much more user friendly for both staff and licensees.

Our agency is physically moving locations. Investigations and Vital Records staff from the Golds Building will move back into the State Office Building, and other staff may be changing floors.

Legislation – Ms. Lowe and Mr. Bartels coordinate legislation across all of DHHS. It is the first year of the biennium, so bills will carry over. They reported that the 2021 legislative session is complete. They distributed a handout listed enacted legislation and interim studies for the fall, and highlighted a few bills, such as LB14 which adopts the Audiology and Speech Language Pathology Interstate Compact. Dr. Tesmer shared information about the authority to obtain fingerprints for this compact.

Interim studies will start hearings in late summer. LR123 pertains to radon issues. LR221 examines infant mortality and morbidity. LR83 examines the gubernatorial appointment process for boards such as the Board of Health. LR627 addresses Directed Health Measures. LR212 will examine health care worker shortages.

Board of Health Chair – Dr. Vander Broek

1. Welcome to our first in-person meeting since November 2019. It's been a challenging year for everyone in health care, and I appreciate the continued service of the experienced members, the willingness to serve by the new members, and the challenges handled by the DHHS staff.

2. Has anyone attended any professional board meetings that they would like to report on?

It is important that you let Monica know in advance when you plan to attend a meeting, and if you plan to attend the entire meeting or just a portion. When you arrive at the meeting, please make a point of introducing yourself to the Board staff, and then to the full Board as the Board of Health liaison.

Dr. Ostdiek and I attended the Board of Physical Therapy meeting on April 22nd.

Dr. Crotty attended the May 7th Physician Assistant Committee meeting.

Dr. Tesmer attended the May 5th Board of Audiology and Speech Language Pathology meeting.

Dr. Kuehn attended the May 5th Board of Veterinary Medicine and Surgery meeting.

Board of Health members may attend Closed Sessions, providing they abide by all rules. Mr. Gelvin explained that Board members may observe disciplinary procedures, but if there is a conflict of interest, Board of Health members should recuse and excuse themselves.

3. I have been in talks with a representative from Bryan Hospital about hosting our meeting on September 20th. That would also include the professional board interviews on Sunday afternoon. Our new Hospital Administrator on the Board of Health, David Reese, works for Bryan. (Update: the September meeting will be held at the State Office Building due to rising Covid numbers.)
4. Five of our members attended HHS Legislative Committee confirmation hearings in April and May, so everyone has now been through that process. New members introduced themselves.
5. In September we will set our meeting dates for the 2022 calendar year.

6. We appreciate Ms. Wisell attending our meeting today. Congratulations on your promotion to the Deputy Director of Health Licensure and Environmental Health position in DHHS.
7. With things opening up more at this stage with Covid, in May I was able to present the Public Health Recognition certificate to Clinic with a Heart. In April Dr. Low presented the certificate to The Big Fix in Kearney.
8. Marla is collecting signatures from new members, to be scanned and used for official Board of Health purposes. If you are a new member, and have not seen her, please do so after the meeting today.

Credentialing Review (407) Committee – Mr. Fleming, Committee Chair, presented.
<https://dhhs.ne.gov/licensure/Pages/Credentialing-Review.aspx>

Board of Health action on the Music Therapy proposal and Committee Report. The Committee met in the morning to form recommendations on this proposal to present to the full Board. The Technical Review Committee, chaired by Shane Fleming, met five times from January to June 2021. The applicant group representative gave an overview of their application and request to credential music therapy, and Mr. Fleming asked if there were any questions. The Credentialing Review Committee reviewed the six criterion, and voted to not approve the proposal. There were concerns expressed about the education requirements. There was a Committee motion to approve the Music Therapy proposal. A Yes vote means not in support of the proposal. Voting yes: 11 (Bessmer, Crotty, Jackson, Kotopka, Kuehn, Patefield, Reese, Synhorst, Tesmer, Vander Broek, Vehle); voting no: 2 (Ostdiek, Rosenthal); not voting: 1 (Fleming). Motion carried.

Dr. Kuehn made the following motion: Send a letter to the Department of Education and the Board of Education looking for resolution and compromise with the music therapists. Second by Dr. Tesmer. Voting yes: 14 (Bessmer, Crotty, Fleming, Jackson, Kotopka, Kuehn, Ostdiek, Patefield, Reese, Rosenthal, Synhorst, Tesmer, Vander Broek, Vehle); voting no: 0; not voting: 0. Motion carried.

Earlier today there was an overview presentation on the Credentialing Review program, for all new Board of Health members, by Shane Fleming and Ron Briel. This was similar to what was presented to the HHS Legislative Committee.

Rules and Regulations Committee – Mr. Vehle, Committee Vice Chair, reported. Regulations were reviewed with staff during the morning committee meeting.
<https://dhhs.ne.gov/Pages/DHHS-Regulations.aspx>

- 172 NAC 90 – Licensure and Supervision of Physician Assistants – Jesse Cushman. This chapter proposes changes to the current regulations to remove duplicative statutory language, to streamline and simplify the language of the regulations, and to incorporate changes due to LB 755 of the 106th Legislature. This chapter now references the unprofessional conduct in chapter 88, for all professions under the purview of the Board of Medicine and Surgery all unprofessional conduct sections now

reference 172 NAC 88 and may have a few additional requirements that are listed in each chapter. The Continuing Competency section has been streamlined without changing any requirements. A Public hearing was held on April 19, 2021 and there were no public comments made.

https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal_id=2372

- 172 NAC 93 & 180 NAC 16 – Licensure of People Performing Medical Radiography – Jesse Cushman. The proposed regulation removes duplicative statutory and regulatory language and provides a reference to 172 NAC 10. Chapter 10 provides requirements, guidance, and consistency to all individuals who may be applying for a credential, renewing and reinstating a credential, and definitions and other processes that are consistent for all credential holders under the Uniform Credentialing Act. This proposal repeals 180 NAC 16 and replaces it with 172 NAC 93 to bring UCA governed professions under the same title. This Chapter removes the Department from functioning as a pass through for ARRT limited radiography examinations. Applicants will now be able to pay ARRT directly. No new requirements have been added. A Public hearing was held on October 14, 2020, with several comments made.
https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal_id=2246
- 172 NAC 143 – Podiatry – Jesse Cushman. The proposed regulation removes duplicative statutory and regulatory language and provides a reference to 172 NAC 10. Chapter 10 provides requirements, guidance, and consistency to all individuals who may be applying for a credential, renewing and reinstating a credential, and definitions and other processes that are consistent for all credential holders under the Uniform Credentialing Act. This chapter also changes the method of approval of Continuing Education hours to allowing all hours as approved by the Council of Podiatric Medical Education. A public hearing was held on April 20, 2021, with no public comments made.
https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal_id=2375
- 176 NAC 1 – Critical Incident Stress Management – Tim Wilson. The purpose of this CISM program is to provide crisis support services including debriefing and intervention services to help first responders prevent and handle job related stress in a healthy and constructive way. First responders include emergency medical services, corrections, hospital, emergency management, law enforcement and firefighter personnel. This program operates pursuant to the provisions of Neb. Rev. Stat. §§ 71-7101 to 71-7113. The proposed changes to the regulations eliminate any repeat of statute and any unnecessary requirements. The public hearing was held April 22, 2021. There were no oral or written comments.
<https://www.nebraska.gov/nesos/rules-and-regs/regtrack/proposals/2379.pdf>

Dr. Vander Broek asked if anyone wanted any of the regulations separated out for individual voting. Mr. Vehle made a Committee motion to approve all proposed rules and regulations with one collective vote. Voting yes: 14 (Bessmer, Crotty, Fleming, Jackson, Kotopka, Kuehn, Ost diek, Patefield, Rosenthal, Reese, Synhorst, Tesmer, Vander Broek, Vehle); voting no: 0; not voting: 0. Motion carried.

- UCA Regulation Status Report. At the morning committee meeting, Mr. Vehle and Kris Chiles reviewed the timeline for regulations going through the update process.

Professional Boards Committee. Ms. Jackson, Committee Chair, and Dr. Crotty, Vice Chair, reported. They conducted seven interviews in person and by telephone in the morning meeting, and reviewed other applications. We continue to need public member applicants.

Board of Dentistry, Faculty Member. Appoint
Terrence Lanphier, DDS, MBA, MAGD, of Omaha for the term through November 30, 2026.

Nursing Home Administration, Non-Profit Home Administrator. Appoint
David Deemer, LNHA, of Oakland, for a partial term through November 30, 2024.

Public members were appointed as follows:

Leslie Reed, of Lincoln, Board of Cosmetology, Electrology, Esthetics, Nail Technology and Body Art, for a partial term of June 14, 2021 through November 30, 2022.

Kristine Roberts, Elkhorn, Board of Massage Therapy for partial term of June 14, 2021 through November 30, 2023.

Rene Botts, from Lincoln, Board of Respiratory Care Practice for the term of June 14, 2021 through November 30, 2026.

Dr. Crotty made a Committee motion to approve the appointment and recommendations. Voting yes: 14 (Bessmer, Crotty, Fleming, Jackson, Kotopka, Kuehn, Ostdiek, Patefield, Reese, Rosenthal, Synhorst, Tesmer, Vander Broek, Vehle); voting no: 0; not voting: 0. Motion carried.

We are still seeking public members for: Dentistry; Funeral Directors and Embalmers; Hearing Instrument Specialists; and Medical Nutrition Therapy, along with a few professional positions. <https://dhhs.ne.gov/licensure/Pages/Board-Requirements-and-Vacancies.aspx>

Public Health, Education and Legislation Committee: Dr. Kuehn, Committee Chair, reported.

- Legislative Actions. There was a discussion started in March regarding the Board of Health's role with regard to legislation and how it evaluates a bill and decides to take a position on it. The discussion will continue in September.

PUBLIC COMMENTS. None.

UNFINISHED BUSINESS. None.

NEW BUSINESS.

- Review of how the Board of Health communicates with the public – Teresa Hampton suggested that the Board of Health approves on an annual basis the method of how they notify the public of upcoming public meetings. Mr. Gelvin stated that agendas and meeting minutes are posted at this website: <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>. A hardcopy of the agenda is posted in the Licensure Unit bulletin board in the State Office Building in Lincoln. There is also an interested parties list that we email the documents to; let staff know if you want to be added to this list. Dr. Tesmer made a motion to formally approve the method of notification, and Dr. Bessmer seconded it. Voting yes: 14 (Bessmer, Crotty, Fleming, Jackson, Kotopka, Kuehn, Ostdiek, Patefield, Reese, Rosenthal, Synhorst, Tesmer, Vander Broek, Vehle); voting no: 0; not voting: 0. Motion carried.

TOPICS AND PREPARATION FOR NEXT MEETING. The next regular Board of Health meeting will be September 20, 2021 in person, in Lincoln. Location TBA.

At the morning meeting, the history of the Credentialing Review Program was presented. Mr. Gelvin suggested that the Board of Health members might appreciate learning more of the mechanics of how the program works.

ADJOURN. There being no further business, Mr. Synhorst made a motion to adjourn, with a second by Dr. Tesmer; all in favor by voice vote. The meeting adjourned at 2:21 PM. Minutes were taken by Marla Scheer and Monica Gissler. These minutes were approved by the State Board of Health on September 20, 2021.

NOTE: If you would like to receive these minutes electronically, please send a request to the email address below. Please also inform staff if you would like to be removed from this distribution list altogether.

If you would like any attachments mentioned in these minutes, or have other questions, please contact Monica Gissler, 402/471-6515, Fax 402/471-0383, or email at: monica.gissler@nebraska.gov.

Board of Health: <https://dhhs.ne.gov/licensure/Pages/Board-of-Health.aspx>

9/20/21, mcg